

# SMITH | VILLAZOR

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August 4, 2021

**VIA ECF**

The Honorable Vernon S. Broderick  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

**APPLICATION GRANTED  
SO ORDERED**   
**VERNON S. BRODERICK**  
**U.S.D.J.** 8/5/2021

**Re: *United States v. Michael Mendlowitz, S2 17-cr-0248 (VSB)***

Dear Judge Broderick:

On behalf of defendant Michael Mendlowitz, we seek an order permitting the redaction of a reference to medical diagnoses of Mr. Mendlowitz's children, contained in the transcript of the June 25, 2021 sentencing hearing. The reference appears on page 62, lines 17-18 of the transcript, and we are providing by e-mail a copy of that transcript page with the proposed redaction highlighted. As this information falls outside the scope of Federal Rule of Civil Procedure 5.2(a) and Federal Rule of Criminal Procedure 49.1(a), we understand that a court order is required to permit the court reporter to redact this information.<sup>1</sup> We note that Your Honor's individual rules permit the redaction of such information in sentencing submissions. *See* Individual Rules & Practices in Criminal Cases, ¶ 10.E.i. The government, through AUSA David Abramowicz, does not object to this request.

We are available should the Court have any questions.

Respectfully submitted,

*s/ Brian T. Burns*

Brian T. Burns

cc: AUSA David Abramowicz, AUSA Dina McLeod, and AUSA Jilan Kamal

Encl. (copy of page 62 of the June 25, 2021 sentencing hearing transcript, with proposed redaction highlighted (sent by email))

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<sup>1</sup> See Notice to the Bar, [https://nysd.uscourts.gov/sites/default/files/2021-05/\\_TranscriptFilingInstructions.pdf](https://nysd.uscourts.gov/sites/default/files/2021-05/_TranscriptFilingInstructions.pdf).